



COPY

Docket No. 49658-0025

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

MARTIN LIVESEY

Serial No.: 09/183,621

Group Art Unit: 2779

Filed: October 30, 1998

Examiner: Chante' Harrison

For: APERIODIC TILING OF TEXTURED IMAGES

PETITION, DRAWINGS AND FEE TO INCLUDE COLOR DRAWINGS
UNDER 37 CFR 1.84(a)(2)

Box DAC
Commissioner of Patents
Washington, D.C. 20231

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Technology Center

Sir:

The Applicant hereby respectfully petitions for inclusion of color drawings in the application referenced above pursuant to 37 CFR 1.84(a)(2).

There are three drawings in the above referenced application that must be shown in color, specifically Figures 1, 2B, and 5. These drawings illustrate, respectively, a tile depicting a grass texture, a target area that is tiled with the grass texture tile in a periodic tiling pattern, and a target area that is tiled with the grass textured tile in an aperiodic tiling pattern.



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Color images for these three drawings are the only practical medium to disclose the subject matter sought to be patented. Specifically, the linear repetitions evident in Figure 2B, and the lack of such linear repetitions in Figure 5, are not observable in mere black and white drawings due to the subtle differences in shading. The Office is referred to the enclosed black and white versions of Figures 1, 2B, and 5.

Being able to observe these linear repetitions is important to understanding the application because one of the improvements resulting from the subject matter being claimed is the elimination of such linear repetitions. For example, when a tile, such as that shown in Figure 1, is repeated in a periodic tiling pattern, such as in Figure 2B, one can readily discern the periodic pattern of light and dark shading when the single tile of Figure 1 is replicated to cover the target area. However, one of the advantageous results of applying the claimed subject matter is the elimination of those linear repetitions, as shown in Figure 5.

Pursuant to 37 CFR 1.84(a)(2)(i), included with this petition is a check for the filing fee of \$130.00 for this petition as specified in 37 CFR 1.17(i).

Pursuant to 37 CFR 1.84(a)(2)(ii), included with this petition are three (3) sets of each color drawing to be included in the application referenced above.

Pursuant to 37 CFR 1.84(a)(2)(iii), the specification in the above referenced application has been amended in the Response of September 21, 2000 to the Office Action mailed June 21, 2000.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortages in fees due in connection with the filing of this paper, including extension of time fees, or credit any overages to Deposit Account No. 50-1302.

Application of Livesey
Petition for Color Drawings



COPY

Based on the foregoing, it respectfully submitted that applicant has shown good and sufficient reasons why it is necessary to include color drawings in the application referenced above as requested.

Respectfully submitted,

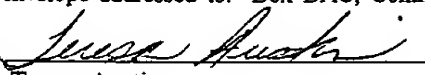
HICKMAN PALERMO TRUONG & BECKER
LLP

Craig G. Holmes
Reg. No. 44,770

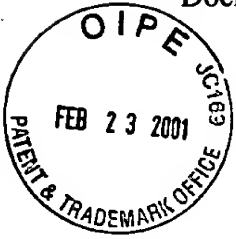
1600 Willow Street
San Jose, CA 95125
(408) 414-1080
Date: October 18, 2000
Facsimile: (408) 414-1076

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box DAC, Commissioner for Patents, Washington, DC 20231
on October 18, 2000 By: 
Teresa Austin

Docket No. 49658-0025



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

MARTIN LIVESEY

Serial No.: 09/183,621

Filed: October 30, 1998

For: APERIODIC TILING OF TEXTURED IMAGES

Group Art Unit 2779
Examiner: Chante' Harrison

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RE-SUBMISSION OF ORIGINAL

**PETITION, DRAWINGS AND FEE TO INCLUDE COLOR DRAWINGS
UNDER 37 CFR 1.84(a)(2)**

Attn: Supervisory Patent Examiner, Group 2779
Commissioner of Patents
Washington, D.C. 20231

Sir:

Enclosed is a *copy* of the original petition for inclusion of color drawings pursuant to 37 CFR 1.84(a)(2) for the application referenced above. The original petition was originally filed by the Applicant on October 18, 2000. In addition to the original petition, three additional sets of the color drawings, specifically Figures 1, 2B, and 5, are enclosed. This transmittal has been marked for the attention of the Supervisory Patent Examiner, Group 2779, because MPEP §1002.02(d) indicates that petitions for color drawings under 37 CFR 1.84 are decided by the Supervisory Patent Examiners.

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COPY of
PAPER #7

This petition was originally filed by the Applicant on October 18, 2000 and received by the United States Patent and Trademark Office (hereinafter Office) on October 23, 2000, as indicated by the stamp on the enclosed copy of the acknowledgement postcard. To date, the Applicant has not received any communication from the Office regarding the enclosed petition. As a result, the Applicant made three phone inquiries on February 12, 2001: the first was to the Group receptionist at (703) 305-3900; the second was to the examiner of the above referenced application, C. Harrison, at (703) 305-3937; and the third to the Office of Petitions at (703) 305-9285.

As a result of the inquiry to the Group receptionist, the Applicant was informed that the Office's computer system showed that a "miscellaneous letter" was received on October 23, 2000, which corresponds to the date stamped on the acknowledgement postcard received by the Applicant from the Office. The Applicant was informed by the Group Receptionist that there were no other entries appeared regarding a petition for color drawings or the miscellaneous letter in the Office's computer system. The Group receptionist recommended re-submitting the petition.

As a result of the Applicant's inquiry to the examiner, the Applicant was told that no record could be found in the Group regarding the petition for color drawings, and the examiner recommended contacting the Office of Petitions. The Applicant contacted the Office of Petitions and was informed that there was no record of a petition for color drawings, and the Applicant was advised to contact the examiner because such petitions are handled by the Group.

As a result of the above inquiries, the Applicant is re-submitting the petition for color drawings including a copy of the acknowledgement postcard received from the Office, a copy of the check included with the original petition, a copy of the fee transmittal sheet, a

copy of the petition as filed on October 18, 2000 that includes copies of the originally submitted black and white versions of the drawings and photocopies of the originally submitted color drawings, and three additional sets of the color drawings.

The Office is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the consideration of the enclosed petition for color drawings.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortages in fees due in connection with the filing of this paper, including extension of time fees, or credit any overages to Deposit Account No. 50-1302.

Respectfully submitted,

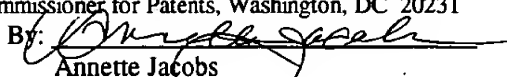
HICKMAN PALERMO TRUONG & BECKER
LLP



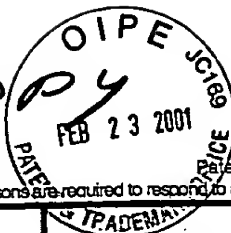
Craig G. Holmes
Reg. No. 44,770

1600 Willow Street
San Jose, CA 95125
(408) 414-1080
Date: February 20, 2001
Facsimile: (408) 414-1076

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: *Attn: Supervisory Patent Examiner, Group 2779*, Commissioner for Patents, Washington, DC 20231 on February 20, 2001 By: 
Annette Jacobs

FEB 23 2000



PTO/SB/17 (12/99)

Approved for use through 09/30/2000. OMB 0651-0032
 Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2000

Patent fees are subject to annual revision.
 Small Entity payments must be supported by a small entity statement,
 otherwise large entity fees must be paid. See Forms PTO/SB/09-12.
 See 37 C.F.R. §§ 1.27 AND 1.28

TOTAL AMOUNT OF PAYMENT (\$130.00)

Complete if Known

Application Number 09/183,621
 Filing Date October 30, 1998
 First Named Inventor Martin Livesey
 Examiner Name Chante' Harrison
 Group/Art Unit 2779
 Attorney Docket No. 49658-0025

METHOD OF PAYMENT (check one)

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 50-1302

Deposit Account Name Hickman Palermo Truong & Becker, LLP

☒ Charge Any Additional Fee Required
 Under 37 CFR §§ 1.16 and 1.17

2. ☒ Payment Enclosed:

☒ Check ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity Fee Code | Large Entity Fee (\$) | Small Entity Fee Code | Small Entity Fee (\$) | Fee Description | Fee Paid |
|-----------------------|-----------------------|-----------------------|-----------------------|------------------------|----------|
| 101 | 710 | 201 | 355 | Utility filing fee | 710.00 |
| 106 | 320 | 206 | 160 | Design filing fee | |
| 107 | 490 | 207 | 245 | Plant filing fee | |
| 108 | 710 | 208 | 355 | Reissue filing fee | |
| 114 | 150 | 214 | 75 | Provisional filing fee | |

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES

| Total Claims | Extra Claims | Fee from Below | Fee Paid |
|--------------------|--------------|----------------|----------|
| Independent Claims | 20** | 18.00 | |
| Multiple Dependent | 3** | 80.00 | |

**or number previously paid, if greater; For Reissues, see below

| Large Entity Fee Code | Large Entity Fee (\$) | Small Entity Fee Code | Small Entity Fee (\$) | Fee Description |
|-----------------------|-----------------------|-----------------------|-----------------------|---|
| 103 | 18 | 203 | 9 | Claims in excess of 20 |
| 102 | 80 | 202 | 39 | Independent claims in excess of 3 |
| 104 | 270 | 204 | 135 | Multiple dependent claim, if not paid |
| 109 | 80 | 209 | 40 | **Reissue independent claims over original patent |
| 110 | 18 | 210 | 9 | **Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$)

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Entity Fee Code | Large Entity Fee (\$) | Small Entity Fee Code | Small Entity Fee (\$) | Fee Description | Fee Paid |
|-----------------------|-----------------------|-----------------------|-----------------------|--|----------|
| 105 | 130 | 205 | 65 | Surcharge - late filing fee or oath | |
| 127 | 50 | 227 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 139 | 130 | 139 | 130 | Non-English specification | |
| 147 | 2,520 | 147 | 2,520 | For filing a request for reexamination | |
| 112 | 920* | 112 | 920* | Requesting publication of SIR prior to Examiner action | |
| 113 | 1,840* | 113 | 1,840* | Requesting publication of SIR after Examiner action | |
| 115 | 110 | 215 | 55 | Extension for reply within first month | |
| 116 | 390 | 216 | 195 | Extension for reply within second month | |
| 117 | 890 | 217 | 445 | Extension for reply within third month | |
| 118 | 1,390 | 218 | 695 | Extension for reply within fourth month | |
| 128 | 1,890 | 228 | 945 | Extension for reply within fifth month | |
| 119 | 310 | 219 | 155 | Notice of Appeal | |
| 120 | 310 | 220 | 155 | Filing a brief in support of an appeal | |
| 121 | 270 | 221 | 135 | Request for oral hearing | |
| 138 | 1,510 | 138 | 1,510 | Petition to institute a public use proceeding | |
| 140 | 110 | 240 | 55 | Petition to revive - unavoidable | |
| 141 | 1,210 | 241 | 605 | Petition to revive - unintentional | |
| 142 | 1,210 | 242 | 605 | Utility issue fee (or reissue) | |
| 143 | 430 | 243 | 215 | Design issue fee | |
| 144 | 580 | 244 | 290 | Plant issue fee | 130.00 |
| 122 | 130 | 122 | 130 | Petitions to the Commissioner | |
| 123 | 50 | 123 | 50 | Petitions related to provisional applications | |
| 126 | 240 | 126 | 240 | Submission of information Disclosure Stmt | |
| 581 | 40 | 581 | 40 | Recording each patent assignment per property (times number of properties) | |
| 146 | 690 | 246 | 345 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 149 | 690 | 249 | 345 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| Other fee (specify) | | | | | |
| Other fee (specify) | | | | | |

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$130.00)

SUBMITTED BY

Name (Print/Type) Craig G. Holmes

Signature

Registration No. (Attorney/Agent) 44,770

Complete (if applicable)

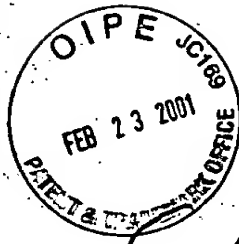
Telephone (408) 414-1080

Date October 18, 2000

WARNING:

Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231.
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HICKMAN PALERMO TRUONG & BECKER LLP

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1600 WILLOW STREET
SAN JOSE, CA 95125

HERITAGE BANK OF COMMERCE
SAN JOSE, CA 95131
90-4228-1211

02/18/00

PAY TO THE
ORDER OF

Commissioner of Patents

\$130.00

One hundred thirty

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MEMO 49658-0025

⑈001216⑈ ⑈121142287⑈ 001566660⑈

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Mailing Date: October 28, 2000
Attorney Docket No. 49658-0025
Serial No. 09/183621
Inventor(s): Martin Livesey
Title: APERIODIC TILING OF TEXTURED IMAGES

Attorney: CGH/ta
First Class Mail

Documents Enclosed:

- 1) Petition, Drawings and Fee to Include Color Drawings with Certificate of Mailing (3pgs)
- 2) 3 sheets of formal Color Drawings (submitted in triplicate)
- 3) 3 sheets of Black and White Drawings
- 4) Fee Transmittal (1pg) in duplicate
- 5) Check in the sum of \$130.00
- 6) Return Acknowledgment Postcard

Kindly stamp the receipt date and return to the office to acknowledge receipt of the above documents.

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FEB 2 8 2001

Technology Center 2600



Back Side of
Acknowledgement
Post card showing

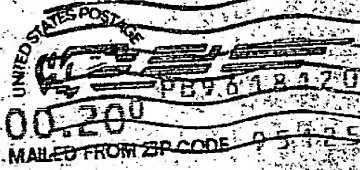
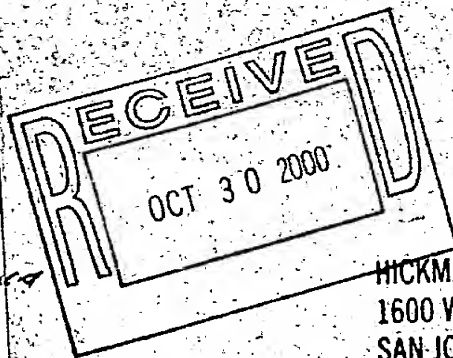
The Office Stamp

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October 28, 2000
FEB 2 8 2001

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Front Side
of Acknowledgement
Post card
showing a
postmark of
October 24, 2000.



HICKMAN PALERMO TRUONG & BECKER, LLP
1600 WILLOW STREET
SAN JOSE, CA 95125-5106

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FEB 2 8 2001

Technology Center 2600

DOCKETED
DATES:

10/31/00
1/18/01

95125+5106